

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Janet Coppock

Date: January 29, 2010
Time: 16 minutes

CASE NO. 07-cv-02261-PAB-MJW

Parties

Counsel

**ALCOHOL MONITORING SYSTEMS,
INC.,**

Michael Martin
Phillip Lorenzo
James Dallner

Plaintiff,

vs.

**ACTSOFT, INC.,
OHIO HOUSE MONITORING
SYSTEMS, INC., and
U.S. HOME DETENTION SYSTEMS
and EQUIPMENT, INC.,**

Kyle Fleming
Richard Fee

Defendants.

TRIAL PREPARATION CONFERENCE

9:07 a.m. COURT IN SESSION

APPEARANCES OF COUNSEL.

Defendant Actsoft, Inc.'s Motion to Dismiss - Conditional Motion to Dismiss Lanham Act and Defamation Claims Without Prejudice (Doc #232), filed 1/26/10.

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9:08 a.m. Argument by Mr. Fee.

9:10 a.m. Argument by Mr. Martin.

ORDERED: Defendant Actsoft, Inc.'s Motion to Dismiss - Conditional Motion to Dismiss Lanham Act and Defamation Claims Without Prejudice (Doc #232), filed 1/26/10, is **GRANTED**.

Discussion regarding the posture of trial in light of the Court's ruling and what remains pending.

9:13 a.m. Comments by Mr. Fee.

9:14 a.m. Comments by Mr. Martin.

9:15 a.m. Comments by Mr. Fleming.

Court requests Mr. Fleming state his clients' position regarding the show cause order.

9:16 a.m. Comments by Mr. Fleming.

9:17 a.m. Comments by Mr. Martin.

ORDERED: Order to Show Cause (Doc #228), filed 1/21/10, is **DISCHARGED**.

ORDERED: In accordance with the Court's previously entered orders [Doc #196,197] and plaintiff Alcohol Monitoring Systems, Inc.'s concession during the hearing, defendant U.S. Home Detention Systems and Equipment, Inc. is entitled to summary judgment on plaintiff's patent infringement claims.

ORDERED: Court **ACCEPTS** the Amended Answers (Doc # 229,230,231), which drop all counterclaims.

ORDERED: Defendant Alcohol Monitoring Systems, Inc.'s Motion for Certificate of Appealability (Doc #201), filed 5/4/09, is **DENIED** as moot.

ORDERED: Defendant Actsoft, Inc.'s Motion to Amend/Correct/Modify Pretrial Order (Doc #223), filed 8/11/09, is **DENIED** as moot.

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ORDERED: Plaintiff Alcohol Monitoring Systems, Inc. may file its motion(s) for attorney's fees on or before, **Tuesday, February 16, 2010**. Hearing on the parties' motions for attorney fees, if needed, will be set after motions, briefing, and responses are completed.

ORDERED: Final judgment in this case shall not enter any earlier than **Wednesday, February 17, 2010**.

9:24 a.m. COURT IN RECESS

Total in court time: 16 minutes

Hearing continued